

Remarks:

The Examiner has required restriction among three identified inventions: (I) claims 1 - 18, 31 and 32, drawn to a wind powered device, classified in class 244, subclass 142; (II) claims 19 - 30, 33, drawn to a method of constructing an aerodynamic means, classified in class 244, subclass 145; and (III) claim 34, drawn to an emergency method of control of a craft, classified in class 244, subclass 138R. Restriction is deemed required under 35 U.S.C. §121 because the Examiner reasons that the inventions are patentably distinct each from the other. To this requirement, Applicant has provisionally elected to restrict prosecution of this application to the invention disclosed and claimed under (I) claims 1 - 18, 31 and 32, with traverse.

The Examiner has also required election of one of the asserted patentably distinct species of the invention disclosed and claimed under (I) claims 1 - 18, 31 and 32. The Examiner's range of possible species are : A - a transportation device without surface discontinuity, bridles or rigid structure; B - a watercraft with sail handling means and three flying lines; C - a watercraft with gores of predetermined geometries; and D - a watercraft with a three dimensional wing of a molded single continuous sheet of material. To this requirement, Applicant provisionally elects species A - a transportation device without surface discontinuity, bridles or rigid structure to which the claims shall be restricted if no generic claim is finally held to be allowable, with traverse.

The Applicant respectfully submits species A, B, C and D are related as embodiments of generic claim 1. Claim 1 defines the genus of wind powered transportation apparatus comprising the transportation means, the aerodynamic wing, and attachment means between the transportation means and wing. Species A fits within this genus as the wing is specifically addressed. Species B, C, and D, while pertaining specifically to watercraft, also fit within the genus of claim 1 since watercraft are a species of the genus transportation means. Further, whether the wing specified in claim 1 is made from gores or a single, continuous sheet, it still has the limiting features of the generic claim, namely the wing without surface discontinuity, bridles or rigid structure. All species identified by the Examiner have attachment means between the wing and transportation means, see e.g. claim 1, lines 10 - 13; claim 11, 6 - 10; claim 31, lines 1 - 12 [page 58]; and claim 33, lines 3 - 14 [page 59].

In view of the interdependence of species the claimed generic invention, and their clear use in a particular device, here

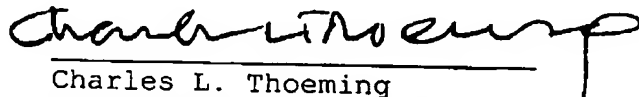
transportation means employing an improved aerodynamic wing, it is respectfully requested that the requirement for election of species be withdrawn as to claims 1 - 18, 31 and 32 and all of the claims of Group I be examined.

Conclusion

For all the reasons advanced above, Applicant respectfully requests reconsideration and submits that the application is in condition for prosecution on the merits and allowance, and those actions are earnestly solicited.

Dated: April 19, 2005.

Respectfully submitted,



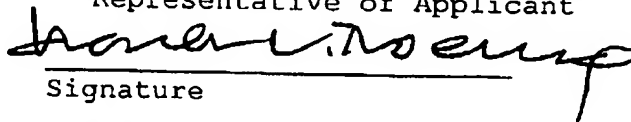
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Charles L. Thoeming, Registered
Representative of Applicant


Signature

April 19, 2005

Date of Signature